

PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request  
for  
Continued Examination (RCE)  
Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/035,470
Filing Date	November 8, 2001
First Named Inventor	Arnott et al.
Art Unit	2114
Examiner Name	Iqbal, N.
Attorney Docket Number	1875.5910000

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☐ Deposit Account No. \_\_\_\_\_ I have enclosed a duplicate copy of this sheet.

i. ☐ RCE fee required under 37 CFR 1.17(e) | 04/05/2005 JADD01 00000079 10035470

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) | 01 FC:1801 790.00 0P

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature		Date	4/4/05
Name (Print/Type)	Evan R. Smith	Registration No.	35,683

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

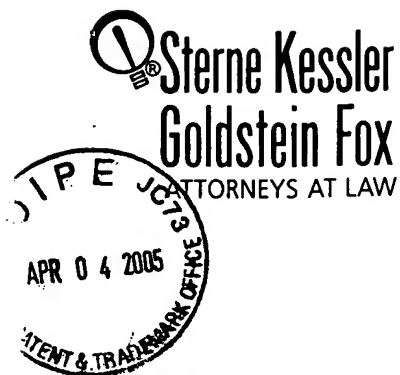
Signature

Name (Print/Type)

Date

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Cornwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbala  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael O. Lee  
Steven R. Ludwig  
John M. Covert  
Linda E. Alcorn  
Robert C. Millonig  
Donald J. Featherstone  
Timothy J. Shea, Jr.  
Lawrence B. Bugalsky  
Michael V. Messinger  
Judith U. Kim

Patrick E. Garrett  
Jeffrey T. Hevey  
Heidi L. Kraus  
Eldora L. Ellison  
Thomas C. Fiala  
Albert L. Ferro\*  
Donald R. Banowit  
Peter A. Jackman  
Teresa U. Medler  
Jeffrey S. Weaver  
Kendrick P. Patterson  
Vincent L. Capuano  
Brian J. Del Buono  
Virgil Lee Beaton  
Theodore A. Wood  
Elizabeth J. Haanes  
Joseph S. Ostroff  
Frank R. Cottingham  
Christine M. Lhulier  
Rae Lynn P. Guest

George S. Bardmesser  
Daniel A. Klein  
Jason D. Eisenberg  
Michael D. Specht  
Andrea J. Kamage  
Tracy L. Muller  
Jon E. Wright  
LuAnne M. DeSantis  
Ann E. Summerfield  
Aric W. Ledford  
Helene C. Carlson  
Cynthia M. Bouchez  
Timothy A. Doyle\*  
Gaby L. Longworth  
Lori A. Gordon  
Nicole D. Dretar  
Ted J. Ebersole  
Jyoti C. Iyer  
Laura A. Vogel

Michael J. Mancuso  
Bryan S. Wade  
Aaron L. Schwartz  
Michael G. Penn\*  
Shannon A. Carroll\*  
Wesley W. Jones\*  
Matthew E. Kelley\*  
Nicole R. Kramer\*

Registered Patent Agents\*  
Karen R. Markowicz  
Nancy J. Leith  
Matthew J. Dowd  
Katrina Yujian Pei Quach  
Bryan L. Skelton  
Robert A. Schwartzman  
Teresa A. Colella  
Jeffrey S. Lundgren  
Victoria S. Rutherford

Michelle K. Holoubek  
Simon J. Elliott  
Julie A. Heider  
Mita Mukherjee  
Scott M. Woodhouse  
Christopher J. Walsh  
Liliana Di Nola-Baron  
Peter A. Socarras  
Jeffrey Mills

Of Counsel  
Kenneth C. Bass III  
Evan R. Smith  
Marvin C. Guthrie

\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Practice Limited to Federal Agencies

April 4, 2005

**WRITER'S DIRECT NUMBER:**

(202) 772-8810

**INTERNET ADDRESS:**

ESMITH@SKGF.COM

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Mail Stop RCE**

Re: U.S. Utility Patent Application  
Application No. 10/035,470; Filed: November 8, 2001  
For: **Rebuilding Redundant Disk Arrays  
Using Distributed Hot Spare Space**  
Inventors: ARNOTT et al.  
Our Ref: 1875.5910000

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$790.00 to cover the Request for Continued Examination Fee (Large Entity);
2. Request for Continued Examination (RCE) Transmittal (Form PTO/SB/30);
3. Amendment and Reply under 37 C.F.R. § 1.114; and
4. One return postcard.

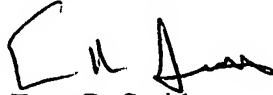
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
April 4, 2005  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Evan R. Smith  
Attorney for Applicants  
Registration No. 35,683

ERS/sjc  
Enclosures

382633\_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ARNOTT *et al.*

Appl. No.: 10/035,470

Filed: November 8, 2001

For: **Rebuilding Redundant Disk Arrays  
Using Distributed Hot Spare Space**

Confirmation No.: 3980

Art Unit: 2114

Examiner: Iqbal, N.

Atty. Docket: 1875.5910000

**Amendment and Reply Under 37 C.F.R. § 1.114**

*Mail Stop RCE*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated January 4, 2005, (PTO Prosecution File Wrapper Paper No. 122104), Applicants submit the following Amendment and Remarks. This Amendment is provided in the following format:

- (A) Each section begins on a separate sheet;
- (B) Starting on a separate sheet, a complete listing of all of the claims:
  - in ascending order;
  - with status identifiers; and
  - with markings in the currently amended claims;
- (C) Starting on a separate sheet, the Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned

under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.